

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 36472

STATE OF IDAHO,)	2009 Unpublished Opinion No. 712
)	
Plaintiff-Respondent,)	Filed: December 4, 2009
)	
v.)	Stephen W. Kenyon, Clerk
)	
BENJAMIN JOHN GRANILLO,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Minidoka County. Hon. R. Barry Wood, District Judge.

Order relinquishing jurisdiction, affirmed.

Molly J. Huskey, State Appellate Public Defender; Justin M. Curtis, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

Before LANSING, Chief Judge; GUTIERREZ, Judge;
and GRATTON, Judge

PER CURIAM

In this case we are asked to determine whether the district court abused its discretion in refusing to grant probation following a period of retained jurisdiction. We are also asked to review a unified sentence of fifteen years, with a minimum period of confinement of nine years, for felony vehicular manslaughter. We affirm.

Benjamin John Granillo pled guilty to one count of vehicular manslaughter. I.C. § 18-4006(3)(b). Following his plea, Granillo was sentenced to fifteen years, with a minimum period of confinement of nine years. The district court retained jurisdiction, and Granillo was sent to participate in the rider program at the North Idaho Correctional Institution (NICI).

After Granillo completed evaluation at NICI, the jurisdictional review committee recommended probation. The district court, however, relinquished jurisdiction. Granillo

appeals, claiming that the district court erred by refusing to grant probation in light of the recommendation of the jurisdictional review committee. He also argues that the sentence of fifteen years, with a minimum period of confinement of nine years, is excessive and constitutes an abuse of discretion.

We note that the decision to place a defendant on probation or whether, instead, to relinquish jurisdiction over the defendant is a matter within the sound discretion of the district court and will not be overturned on appeal absent an abuse of that discretion. *State v. Hood*, 102 Idaho 711, 712, 639 P.2d 9, 10 (1981); *State v. Lee*, 117 Idaho 203, 205-06, 786 P.2d 594, 596-97 (Ct. App. 1990).

The record in this case shows that the district court properly considered the information before it and determined that probation was not appropriate. We hold that Granillo has failed to show that the district court abused its discretion, and we therefore affirm the order relinquishing jurisdiction.

Granillo also contends that the unified sentence of fifteen years, with a minimum period of confinement of nine years, is excessive and constitutes an abuse of discretion. Sentences are reviewed for an abuse of discretion. Our appellate standard of review and the factors to be considered when evaluating the reasonableness of a sentence are well established. *State v. Burdett*, 134 Idaho 271, 1 P.3d 299 (Ct. App. 2000); *State v. Sanchez*, 115 Idaho 776, 769 P.2d 1148 (Ct. App. 1989); *State v. Reinke*, 103 Idaho 771, 653 P.2d 1183 (Ct. App. 1982); *State v. Toohill*, 103 Idaho 565, 650 P.2d 707 (Ct. App. 1982). When reviewing the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 726, 170 P.3d 387, 391 (2007).

Granillo argues that all of the relevant goals of sentencing could have been accomplished with probation. As noted above, however, the district court found that probation was not an appropriate course of action in Granillo's case. The record does not indicate that his sentence was an abuse of discretion in this case.

The order of the district court relinquishing jurisdiction and the imposition of Granillo's sentence are affirmed.